



**EXECUTIVE ORDER
OF THE MAYOR
OF
CITY OF ANNAPOLIS, MARYLAND**

AMENDED AND RESTATED EXECUTIVE ORDER NO. 19

November 17, 2020

WHEREAS, Governor Lawrence J. Hogan, Jr., pursuant to the Maryland Constitution and Title 14 of the Public Safety Article, proclaimed a state of emergency and a catastrophic health emergency for the entire State of Maryland on March 5, 2020, and renewed on March 17, 2020, April 10, 2020, and May 6, 2020, to control and prevent the spread of COVID-19 within the state, and the state of emergency and catastrophic health emergency still exists; and

WHEREAS, a local state of emergency was declared on March 12, 2020, and renewed on April 13, 2020, and May 11, 2020, to control and prevent the spread of COVID-19 within the City of Annapolis, and the local state of emergency still exists; and

WHEREAS, COVID-19 is a severe respiratory disease that may result in serious illness or death and is transmitted easily from person to person; and

WHEREAS, COVID-19 continues to pose an immediate and serious threat to the public health, safety, welfare, and security of the citizens of Annapolis, particularly older individuals and those who are immunocompromised; and

WHEREAS, the U.S. Centers for Disease Control and Prevention and the Maryland Department of Health recommend canceling large gatherings and social distancing in smaller gatherings; and

WHEREAS, on March 30, 2020, Governor Hogan issued Executive Order 20-03-30-01 directing all nonessential employees in Maryland to stay at home in an effort to control the spread of COVID-19 ("Stay-at-Home Order"); and

WHEREAS, both Governor Hogan and Anne Arundel County Executive Stuart Pittman have issued various Executive Orders relaxing the provisions of the Governor's Stay-at-Home

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Order and allowing businesses previously ordered to be closed to reopen under certain conditions to ensure public safety; and

WHEREAS, on May 29, 2020, due to the reduced capacity of indoor dining space, the Mayor issued local Executive Order No. 17 which created a safe, unique, and inviting environment within primary shopping and dining districts, known as Recovery Zones, which offer flexible, outdoor space to businesses; and

WHEREAS, on October 6, 2020, the Mayor issued local Amended and Restated Executive Order No. 17 which changed the closing times of certain outdoor dining facilities within the Recovery Zones; and

WHEREAS, the City seeks to continue the operation of the Recovery Zones into the colder months by allowing the use of certain winterization materials in a manner that maintains public health benefits of keeping patrons outside in an effort to mitigate the spread of COVID-19, provides relief to the many businesses affected by COVID-19, and ensures the health, safety, and welfare of individuals working in or visiting the Recovery Zones; and

NOW, THEREFORE, I, Gavin Buckley, Mayor of the City of Annapolis, by virtue of the authority vested in me by the Charter and Code of the City of Annapolis, and Chapter 11.48 of the City Code, and in an effort to control and prevent the spread of COVID-19 within the City, do hereby order on this 17th day of November, 2020:

1. Executive Order No. 19, dated October 16, 2020, is hereby amended and restated in its entirety as set forth herein.
2. This Amended and Restated Executive Order No. 19 is a "Local Order" as described in Governor Hogan's Executive Order No. 20-11-10-01, which authorizes the modification of certain provisions of Governor Hogan's Executive Order No. 20-11-10-01.
3. All businesses with an approved outdoor public or private space are allowed to utilize temporary outdoor structures, subject to the following conditions stated herein.
4. "Temporary Outdoor Structure," for purposes of this Amended and Restated Executive Order No. 19, is defined as a tent, canopy, or other shelter-providing structure.
5. **Requirements for Temporary Outdoor Structures.**
 - a. All businesses must possess a Sidewalk Café Permit and/or a Recovery Zone Application and Agreement in order to be eligible for the use of a Temporary Outdoor Structure.
 - b. All businesses must obtain a Tent, Stage or other Temporary Structure

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Permit from the Department of Planning and Zoning before erecting a Temporary Outdoor Structure.

- i. The permit must be posted on-site for at least 24 hours before the temporary outdoor structure is erected.
- c. Fully enclosed Temporary Outdoor Structures are permitted, but are considered indoor dining and must meet the capacity requirements for indoor dining in Anne Arundel County.
- d. All Temporary Outdoor Structures must be weighted, anchored, or secured to the ground.
- e. All structural materials must have a fire-resistant certification or flame certification showing the material is fire-rated or noncombustible.
- f. 3 feet of clear space must be maintained around the circumference around all fire hydrants and in front of fire department connections.
- g. Temporary Outdoor Structures cannot be:
 - i. Attached to buildings;
 - ii. Over any portion of the sidewalk;
 - iii. Anchored with any method that requires screwing, cutting, or drilling into buildings or the public way.

6. Use of Heating Devices.

- a. Heating equipment must be shown on the site maps submitted with the Tent Stage or other Temporary Structure Permit application.
- b. Natural gas heaters or any devices fueled with propane are only allowed in open, uncovered areas.
- c. Electrically-powered heating devices are permitted, but must be installed by a licensed electrical contractor.
 - i. An Electrical Permit from the Department of Planning and Zoning must be obtained prior to the installation of any electrically-powered heating device.
- d. Heating equipment must be unplugged or disconnected for overnight storage.
- e. All heating devices must maintain at least 5 feet of clearance from the ceiling or sides of the Temporary Outdoor Structure, as well as other combustible materials, at all times.

7. Use of Temporary Outdoor Structures may be deemed unsafe and prohibited during severe weather events.

8. Fees pursuant to §§ 14.18.100, 17.12.052, 17.12.056, 17.16.040, 17.20.100, and 17.60.060 of the City Code are temporarily waived for these Recovery Zone Application and Agreements, Tent Stage or Other Temporary Structure Permit applications, and/or Electrical Permit applications only.

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9. All businesses utilizing a Temporary Outdoor Structure shall comply with the "Winter COVID-19 Tents and Outdoor Dining Guidance," attached hereto and adopted by reference herein.
10. The City's Planning and Zoning Director may amend or modify the "Winter COVID-19 Tents and Outdoor Dining Guidance" if necessary to prevent further exposure to COVID-19 in the City of Annapolis.
11. All businesses permitted to be open under Governor Hogan's Executive Order No. 20-11-10-01, or any other State or local Executive Order, shall also comply with:
 - a. Amended and Restated Executive Order No. 17, to the extent it is not inconsistent with this Amended and Restated Executive Order No. 19;
 - b. All County Executive Pittman's local orders, to the extent that such Orders are not inconsistent with this Amended and Restated Executive Order No. 19 and Amended and Restated Executive Order No. 17;
 - c. All State Executive Orders (as amended), as modified by this Amended and Restated Executive Order No. 19, Amended and Restated Executive Order No. 17, and any applicable Executive Orders issued by County Executive Pittman;
 - d. Any applicable Orders and guidance from the Anne Arundel County Health Officer;
 - e. Any applicable directives from the Maryland Secretary of Health;
 - f. Applicable social distancing guidance published by the U.S. Centers for Disease Control and the Maryland Department of Health;
 - g. All applicable Federal, State, and local laws.
12. All other provisions of Governor Hogan's Executive Order No. 20-11-10-01, shall apply in the City of Annapolis.
13. This Amended and Restated Executive Order No. 19 remains effective until after the termination of the local state of emergency expires or is terminated, or until rescinded, superseded, amended, or revised by additional orders.
14. The effect of any statute, rule, or regulation of an agency of the City inconsistent with this Amended and Restated Executive Order No. 19 is hereby suspended to the extent of the inconsistency.

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ATTEST:

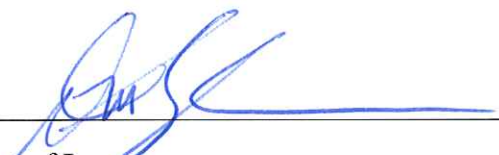
CITY OF ANNAPOLIS


Regina C. Watkins-Eldridge, MMC,
City Clerk

By:


Gavin Buckley, Mayor

APPROVED FOR FORM AND LEGAL SUFFICIENCY:


Office of Law
D. Michael Lyles, City Attorney